

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

January 13, 2006

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

SUBJECT: Selection of Projects for Federal Grant Awards through the Land and Water
Conservation Fund Program for Fiscal Year 2005 and Proposed Change to a
LWCF Application from Fiscal Year 2004

The Land and Water Conservation Fund Program (LWCF) is a Federal grant program administered by the Department of the Interior, National Park Service (NPS) to expand outdoor recreation opportunities. These Federal funds are made available to the county and state park agencies for park acquisition, new park construction and rehabilitation of existing park facilities. The federal funds must be matched with State funds, County funds, or in-kind services. The Division of State Parks takes the lead in notifying the county parks and recreation departments of the availability of funds, accepting applications, and making a preliminary selection of projects for the grant awards. The Board approves this selection of projects as a means of soliciting public comment in the selection process.

In order to qualify to receive these Federal funds, Hawai'i must prepare a Statewide Comprehensive Outdoor Recreation Plan (SCORP) every 5 years. The SCORP update in 2003 inventoried the state's recreational resources, including parks, boat ramps and small harbors, hunting areas, trails, and other recreational facilities. The 2003 SCORP update also identified the recreational demands and priorities for the next 5-year period based on consultation with government agencies and input from public meetings. Projects for grant awards are rated on their ability to meet the state's recreational demands and priorities as identified in the SCORP.

The recreational demands identified in Hawai'i's 2003 SCORP include the need for more pathways for biking, jogging, and walking and new community parks as Hawai'i's population continues to grow and urbanize. Recreational issues include increased pressure and competition for limited recreational resources, reduced funding for parks and outdoor recreation, and access constraints to recreational areas. Based on the findings, a plan of action to address the issues and implement the plan is set forth in the SCORP document.

For Fiscal Year 2005, Hawai'i's apportionment of LWCF grant funds is \$949,523. There is an additional \$200,000 carried over from FY04 for a total of \$1,149,523. The four counties were notified of the availability of the LWCF grant funds for FY 05 in March and were asked to submit applications. The following project applications have been received:

ITEM E-1

Hawai'i County	\$267,632	Acquisition of 225 acres at Honuapo in Ka'u on Hawai'i Island, including the tidal estuary and historic fishpond, for addition to Whittington Beach Park. This acquisition will preserve the natural and cultural resources of the area and expand shoreline recreation opportunities. Project funds for the \$3.5 million acquisition include a NOAA grant (\$1.5 million), State funds (\$1 million), and County of Hawai'i funds (\$500,000).
County of Kaua'i	\$200,000	Construction of Increment 2 of Kekaha Gardens Park in Kekaha, Kaua'i to serve the recreation demands of the Department of Hawaiian Home Lands subdivision, as well as the Kekaha community. Increment 2 involves the construction of a comfort station with septic tank system, a softball/little league field, a basketball court, playground equipment, a paved parking lot, and an ADA accessible walkway. Matching funds are being provided by the County of Kaua'i.
City & County of Honolulu	\$660,000	Construction of tennis, basketball, and volleyball playcourts at 10-acre Geiger Community Park in the 'Ewa district of O'ahu. Located near Kapolei, Geiger Community Park was opened in 1996 and currently has a restroom, parking lot, and composite play equipment. In compliance with the Master Plan for the park, these new courts and ball fields will be constructed to meet the rapidly expanding recreational needs of this growing community. Matching funds are being provided by the City and County of Honolulu.

The total project amount requested by these three projects is \$1,127,632, leaving a balance of \$21,891. State Parks evaluated the three (3) project applications and all the projects meet the demands and priorities outlined in Hawai'i's 2003 SCORP document.

On July 30, 2004, the Board approved an LWCF grant award to the City and County of Honolulu in the amount of \$667,000 for the acquisition of 1,129 acres at Pūpūkea-Paumalu on the North Shore of O'ahu. The asking price for the property is \$8.1 million with other funding provided by NOAA (\$2 million), the U.S. Army (\$2.4 million), the State (\$1 million), and the City and County of Honolulu (\$1 million). The balance is being raised by the Trust for Public Lands and the North Shore Community Land Trust.

The City's intention to use the LWCF grant as a reimbursement for their City funds, would result in insufficient funding for the acquisition. State Parks asked the City to consider withdrawing their application and allowing State Parks to submit the application. On November 25, 2005, Mayor Hannemann informed the State that the City would withdraw their application. State Parks is now requesting the Board's approval to submit the application for LWCF funds and use the State's \$1 million appropriation as a match. The grant application will request the \$667,000 plus the FY05 balance of \$21,891, for a total of \$688,891. The grant funds will be used for the acquisition, not as a reimbursement for the State funds.

RECOMMENDATION:

All the project applications for FY05 meet Hawai'i's recreational demands and priorities as identified in the 2003 SCORP. Together, the three projects total \$1,127,632, which is slightly less than the \$1,149,523 available from FY05 and the FY04 carry-over. Therefore, it is recommended that the Board approve the selection of the three projects to receive LWCF grant funds in FY 05, subject to final approval by the National Park Service.

1. \$267,632 grant to the County of Hawai'i for the acquisition of 225 acres at Honuapo.
2. \$660,000 grant to City and County of Honolulu for the construction of courts and ball fields at Geiger Park.
3. \$200,000 grant to the County of Kaua'i for construction of a comfort station, parking lot, ball fields and courts, and playground equipment at Kekaha Gardens Park.

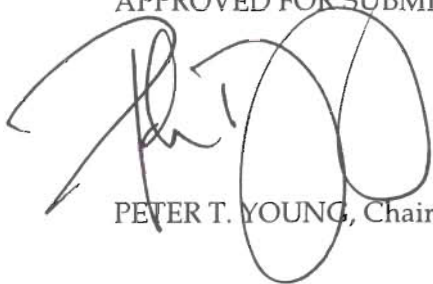
It is recommended that the Board approve State Parks' application for LWCF grant funds totaling \$688,891 for the acquisition of 1,129 acres at Pūpūkea-Paumalu to maintain the wilderness character of this coastline and to promote park opportunities, such as hiking, picnicking, and ocean-related recreation. These grant funds will be matched with the State's appropriation for the acquisition of this property. Receipt of these grant funds is subject to approval by the National Park Service.

Respectfully submitted,



DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson

State of Hawaii
DEPARTMENT OF LAND AND NATURAL
Division of State Parks
Honolulu, Hawaii

January 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

SUBJECT: Annual Renewal of Revocable Permit (RP) SP-0201, Lanihuli Community
Development Corp., Malaekahana State Recreation Area, island of Oahu

STATUTE: Section 171-55, Hawaii Revised Statutes, reads as follows:

“Permits. Notwithstanding any other law to the contrary, the board of land and natural resources may issue permits for the temporary occupancy of State lands or interest therein on a month-to-month basis by direct renegotiation without public auction, under conditions and rent which will serve the best interest of the State subject, however, to those restrictions as may, from time to time, be expressly imposed by the board. A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance; provided that the board may allow the permit to continue on a month-to-month basis for additional one-year period.”

BACKGROUND:

As part of its annual review of RPs, the Board may either approve or disapprove the continuation of existing revocable permits covering State Parks lands on a month-to-month basis for another year or without any changes in their existing rental rates. Such actions are taken in recognition of prevailing economic conditions.

The subject RP is the operation of camping / lodging and public recreational programs on 36.288 acres of park land at Malaekahana, Oahu and is due to for renewal effective January 1, 2006. Staff recommends the Board to approve the continuation of the subject RP as listed on Exhibit A until December 31, 2006 at a gratis rent with permittee paying utilities.

RECOMMENDATION That the Board:

Approve the continuation of the revocable permit on a month to month basis for another one-year period up to December 31, 2006 at the current permit rent, except if permit is in arrears of rental payment or other non-monetary default for more than 60 days and/or have been approved for forfeiture by a separate Board action. Permits in arrears of rental

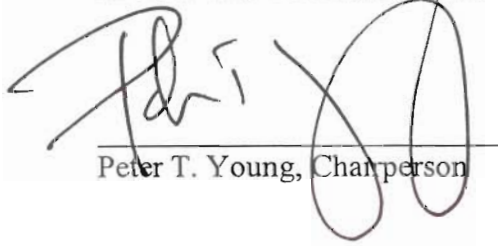
or other non-monetary default for 60 days or more or approved by the Board for forfeiture shall not be renewed

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Dan Quinn", written over a horizontal line.

Dan Quinn, Administrator
Division of State Parks

APPROVED FOR SUBMITTAL

A handwritten signature in dark ink, appearing to read "Peter T. Young", written over a horizontal line. The signature is stylized with large loops.

Peter T. Young, Chairperson

REVOCABLE PERMIT		EXHIBIT "A"	
PERMITTEE	PERMIT #	ORIGINAL RP DATE	CHAR. OF USE RP AREA ANNUAL RENT
District – Oahu – Malaekahana State Recreation Area			
Lanikai Community	SP-0201	February 6, 2004	Camping/Lodging 36.288 Ac. Gratis
Development Corp.			Recreational Programs for public

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Board of Land and Natural Resources
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Honolulu, Hawaii

Kauai

Forfeiture of Mobile Food Concession Agreement No. SP-0051,
Dana Y.K. Shim-Palama dba Aloha Valet Services,
Concessionaire, Kalaheo, **Kauai**, Tax Map Key: (4)1-2-02-024 (a
portion of).

PURPOSE:

Forfeiture of Mobile Food Concession Agreement No. SP-0051, Dana
Y.K. Shim-Palama dba Aloha Valet Services, Concessionaire.

LEGAL REFERENCE:

Section 171-39, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Polihale State Park situated at
Kekaha, Kauai, identified by Tax Map Key: (4)1-2-02-024, as shown
on the attached map labeled Exhibit A.

AREA:

Approximately 300 square feet, more or less.

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CHARACTER OF USE:

Mobile food concession and no other purpose.

TERM OF LEASE:

3 years, commencing on October 1, 2005 and ~~expiring~~ on September
30, 2008.

- 1) Concessionaire has not paid rent beginning from the second month of the Agreement. Telephone calls and e-mail have been ignored.
- 2) The location of the concession is remote and difficult to monitor. However, staff has been told by the park caretaker

that he has not seen concessionaire at their designated location, nor have they been cleaning the comfort station.

RECOMMENDATION: That the Board:

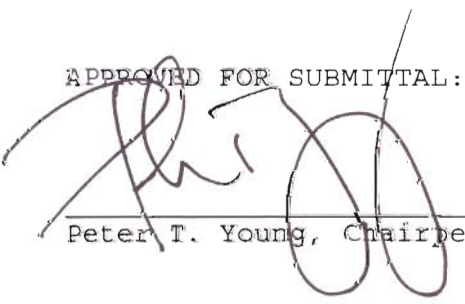
1. Authorize the cancellation of Mobile Food Agreement No. SP-0051 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Mobile Food Agreement No. SP-0051 as liquidated damages;
3. Terminate the Mobile Food Agreement and all rights of Concessionaire and all obligations of the State effective as of January 13, 2006, provided that any and all obligations of the Concessionaire which have accrued up to said effective date or which are stated in the Mobile Food Agreement to survive termination shall endure past such termination date until duly fulfilled, and further provided that State reserves all other rights and claims allowed by law; and
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Mobile Food Agreement No. SP-0051 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,

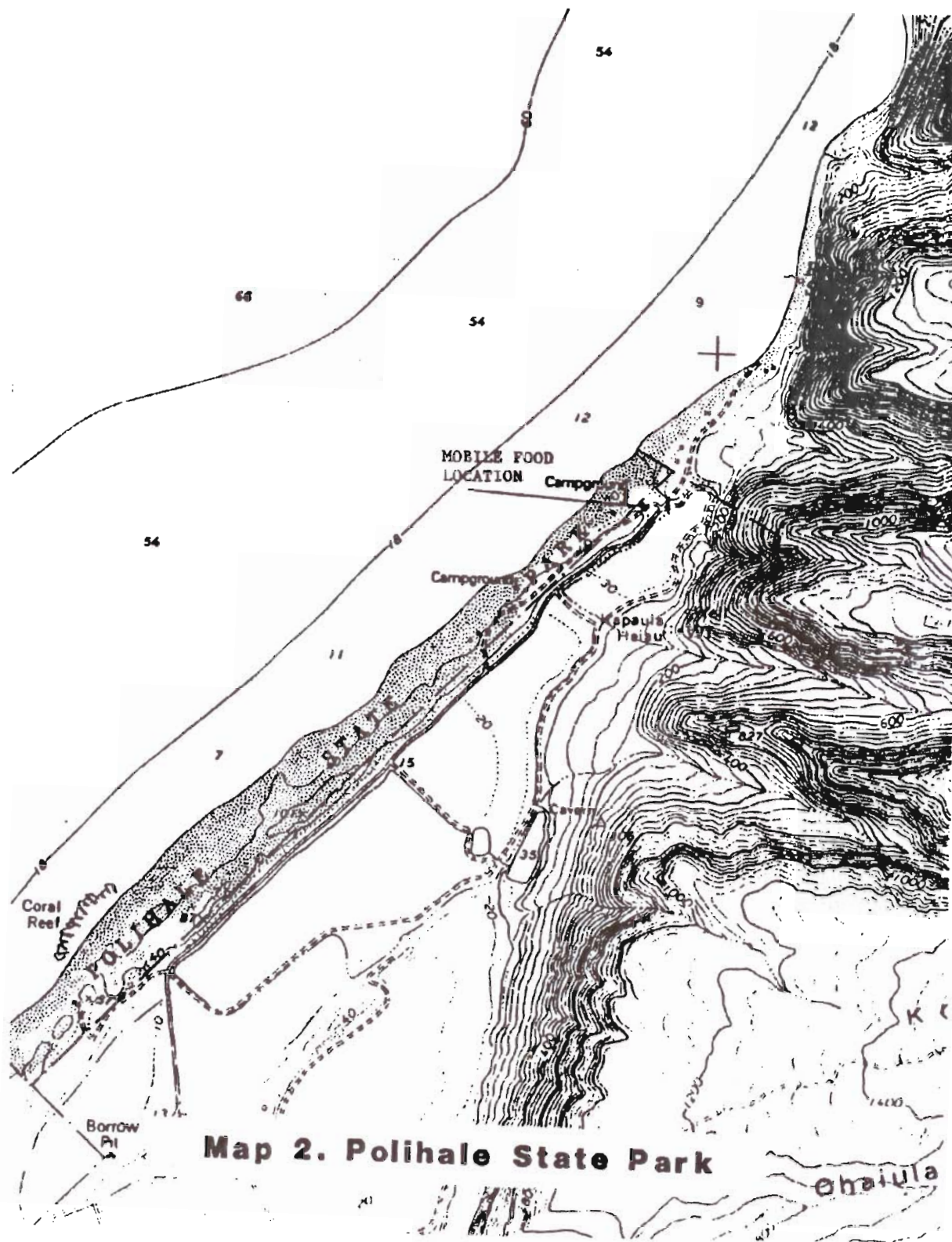


Daniel S. Quinn
Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



Map 2. Polihale State Park

EXHIBIT "A"

**Mobile Food Concession
Agreement No. SP-0051**